



Docket No. 2024730-7032312001
(03-118)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:) Group Art Unit: Not-Yet-Assigned
Lex P. Janse, et al) Examiner: Not-Yet-Assigned
Serial No.: 10/623,381)
Filed: July 18, 2003)
For: BIOCOPATIBLE WIRES AND)
METHODS OF USING SAME TO FILL)
BONE VOID)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement (“IDS”) are brought to the attention of the Office. Copies of US Patents and US Patents Publications are not enclosed, pursuant to the US Patent & Trademark Office waiver of this requirement under 37 CFR § 1.98 (a)(2)(i) for patent applications filed after June 30, 2003.

The items identified in this IDS may or may not be “material” pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as “prior art” under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the United States Postal Services on the date shown below with sufficient postage as “First Class Mail” to addressee in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

October 2, 2003
Date of deposit
PA:52119244.1/2024730-7032312001

Maritza D. Kidd
Name of Person transmitting Paper

Signature of Person depositing Paper

10/2/03 9:35 AM

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

The fee due under 37 CFR § 1.17(p) is submitted herewith.

A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- A check in the amount of _____ is enclosed for the above fee(s).
- Please charge _____ to Deposit Account No. **50-2518** for the above fee(s).
- Although applicant believes no fee is required, the Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. **50-2518**.

Respectfully submitted,
BIGHAM McCUTCHEN LLP

By:


David T. Burse
Reg. No. 37,104

Dated: 10-2-03

BINGHAM McCUTCHEN LLP
Three Embarcadero, Suite 1800
San Francisco, CA 94111-4067
(650) 849-4400

23639
PATENT TRADEMARK OFFICE



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2 Attorney Docket Number 2024730-7032312001 (03-118)

Complete If Known

Application Number	10/623,381
Filing Date	July 18, 2003
First Named Inventor	Laex P. Jansen, et al
Group Art Unit	Not-Yet-Assigned
Examiner Name	Not-Yet-Assigned

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
1.	3,882,858			Klemm	05-13-1975	
2.	3,924,274			Heimke et al	12-09-1975	
3.	4,093,576			deWijn	06-06-1978	
4.	4,239,113			Gross et al	12-16-1980	
5.	4,263,185			Belykn et al	04-21-1981	
6.	4,341,691			Anuta	07-27-1982	
7.	4,373,217			Draenert	02-15-1983	
8.	4,547,390			Ashman et al	10-15-1985	
9.	4,718,910			Draenert	01-12-1988	
10.	4,735,625			Davidson	04-05-1988	
11.	4,743,257			Tormala et al	05-10-1988	
12.	4,963,151			Ducheyne et al	10-16-1990	
13.	5,049,157			Mittelmeier et al	09-17-1991	
14.	5,336,699			Cooke et al	08-09-1994	
15.	5,476,880			Cooke et al	12-19-1995	
16.	5,507,814			Gilbert et al	04-16-1996	
17.	5,574,075			Draenert	11-12-1996	
18.	5,621,035			Lyles et al	04-15-1997	
19.	5,679,299			Gilbert et al	10-21-1997	
20.	5,984,968			Park	11-16-1999	
21.	6,203,844			Park	03-20-2001	
22.	6,217,620			Park	04-17-2001	
23.	6,241,734			Scribner et al	06-05-2001	
24.	6,291,547			Lyles et al	09-18-2001	
25.	6,395,007			Bhatnagar et al	05-28-2002	
26.	6,425,919			Lambrecht	07-30-2002	
27.	6,544,324			Lyles et al	04-08-2003	
28.	6,558,428			Park	05-06-2003	

Examiner Signature	Date Considered
--------------------	-----------------

¹ EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Alexandria, VA 22313-1450.

PA:52088727.1/2011111-21111111111

OCT 06 2003

Please type a plus sign (+) inside this box →

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

2 of 2

Complete if Known

Application Number	10/623,381
Filing Date	July 18, 2003
First Named Inventor	Laex P. Jansen, et al
Group Art Unit	Not-Yet-Assigned
Examiner Name	Not-Yet-Assigned
Attorney Docket Number	2024730-7032312001 (03-118)

OTHER DOCUMENTS -- NON PATENT LITERATURE

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	29.	US Patent Publication No. 2001/0011190 A1, PARK, "Precoated Polymeric Prosthesis and Process for Making Same" Publication date 08-02-2001	
	30.	US Patent Publication No. 2002/0049449 A1 BHATNAGAR et al, "Apparatus and Method for Fixation of Osteoporotic Bone" Publication date 04-25-2002	
	31.	US Patent Publication No. 2002/0082600 A1, SHAOLIAN et al, "Formable Orthopedic Fixation System" Publication date 06-27-2002	
	32.	US Patent Publication No. 2002/0151979 A1, LAMBRECHT et al, "Devices and Method for Nucleus Pulposus Augmentation and Retention" Publication date 10-17-2002	
	33.	US Patent Publication No. 2003/0036763 A1, BHATNAGAR et al, "Apparatus and Method for Fixation of Osteoporotic Bone" Publication date 02-20-2003	

Examiner Signature		Date Considered
--------------------	--	-----------------

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

² Unique citation designation number. ³ See attached Kinds of U.S. Patent Documents. ⁴ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁷ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Alexandria, VA 22313-1450.

PA:52088727.1/2011111-2111111111